

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)	
)	
of the Educator Certificate of)	ORDER OF SUSPENSION
)	(BREACH OF CONTRACT)
Lucinda D. Harper)	
)	
Certificate 213978)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on November 9, 2005. On September 30, 2005, the Department of Education (Department) sent Lucinda D. Harper a notice of her right to a hearing regarding the possible suspension of her South Carolina educator certificate by regular and certified mail, return receipt requested, delivery restricted to addressee. Ms. Harper received the notice, as evidenced by the signed postal receipt bearing her signature. Ms. Harper did not request a hearing within the time frame specified in the notice letter. After considering the information presented, the State Board voted to suspend Ms. Harper's certificate for one year.

FINDINGS OF FACT

Ms. Harper holds a valid South Carolina educator's certificate and was a first year teacher during the 2005-2006 school year. She was under contract with the Fairfield County School District and was assigned as a teacher to Geiger Elementary School. On August 22, 2005, Ms. Harper notified her Assistant Principal that she was resigning her position, effective immediately. On August 24, 2005, the District notified Ms. Harper that she had not been released from her contract and that she needed to return to work. When she did not return to work, the District notified her on August 26, 2005, that the District would recommend suspension of her certificate. On September 13, 2005, the District Board of

Trustees voted to request suspension of Ms. Harper's certificate as a result of her breach of contract.

CONCLUSIONS OF LAW

The State Board may suspend the certificate of any person for unprofessional conduct. S.C. Code Ann. §§ 59-25-150 and 160 (2004). Breach of contract is deemed to be unprofessional conduct. S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Regs. 43-58 (1992). The State Board finds that the information presented supports its determination that just cause exists to suspend Ms. Harper's certificate 213978 for a period of one year, from November 9, 2005, through November 8, 2006. Should Ms. Harper wish to have her certificate reinstated at the end of the suspension period, she may make a written request for reinstatement to the Office of Educator Certification.

South Carolina State Board of Education

By: /S/ Paul M. Forrester

Paul M. Forrester, Chair

Columbia, South Carolina
November 9, 2005